

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**CLAYTON DOBBINS,**  
**Plaintiff,**

**v.**

**KROGER COMPANY,**  
**Defendant.**

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**3:08-CV-1206-N**

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF  
THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge filed findings, conclusions and a recommendation on July 28, 2008, recommending *inter alia* that Plaintiff's motion for appointment of counsel be denied. Plaintiff filed objections on August 1, 2008, and the District Court has made a *de novo* review of those portions of the proposed findings and recommendation to which objection was made. The objections are overruled, the Court ACCEPTS the Findings, Conclusions and Recommendation of the United States Magistrate Judge, and DENIES the motion for appointment of counsel (Doc. #4), but without prejudice to Plaintiff's right to present additional facts showing circumstances which establish that the court should exercise its discretion to appoint counsel.

SO ORDERED.

Signed January 23, 2009.

  
DAVID C. GODBEY  
UNITED STATES DISTRICT JUDGE